

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

**OSCAR COLMENARES-GONZALEZ and
COLMENARES RODRIGUEZ INC.,**

Defendants.

8:08CR151

ORDER

This matter is before the court on the defendant's motion to continue trial (Doc. 101), due to defense counsel's medical condition. For good cause shown, trial will be continued to March 17, 2009.

IT IS ORDERED that the motion is granted, as follows:

1. The jury trial now set for February 10, 2009 is continued to **Tuesday, March 17, 2009.**

2. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **February 10, 2009 and March 17, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

DATED February 3, 2009.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge